IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 4TH JULY 2007 / 13TH ASHADHA 1929

RP.No. 519 of 2007()

AGAINST THE JUDGEMENT IN MACA.542/2005 Dated 13/11/2006
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PETITIONER/APPELLANTS

REGHUNATHAN PILLAI, S/O THANKAPPAN PILLAI.
KOTTAYALIL HOUSE, NEAR SREEKRISHNA SWAMY
TEMPLE, AMBALAMUKKU, PEROORKADA P.O.
THIRUVANANTHAPURAM

BY ADV. SRI.SERGI JOSEPH THOMAS

RESPONDENTS:
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1. P.MOHANAN NAIR, S/O PARAMESWARAN PILLAI,
T.C.21/174, CHARUVILAMOM,
KARAMANA P.O.,
THIRUVANANTHPURAM

2. JUSTIN S/O ANTONY, T.C.19/1502,
MADHAVANAM, PALAYAM ROAD, THYCAUD VILLAGE,
THIRUVANANTHAPURAM

3. DIRECTORATE OF STATE INSURANCE,
KERALA STATE INSURANCE DEPARTMENT,
MOTOR VEHICLES, DISTRICT INSURANCE OFFICE,
HOUSING BOARD BUILDING COMPLEX,
CHENKALCHULAI, THIRUVANANTHAPURAM

4. THANKAPPAN PILLAI,
S/O KESAVAN PILLAI, T.C.5/26, AMBALAMUKKU,
THIRUVANANTHAPURAM

5. HARI PRASAD, S/O VIKRAMAN NAIR,
HARI NIVAS, ULIYAMOODU, PEROORKADA,
THIRUVANANTHAPURAM

6. ORIENTAL INSRUANCE COMPANY,
THIRUVANANTHAPURAM

BY GOVERNMENT PLEADER SANDHESH RAJA

THIS REVIEW PETITION HAVING COME UP FOR ADMISSION ON 04/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S.RADHAKRISHNAN & M.N.KRISHNAN, JJ

R.P.519/2007

IN

M.A.C.A.542/2005

Dated this the 4th day of July, 2007

ORDER

Krishnan, J.

Heard both sides.

2. Grievance of the petitioner is that while he was coming to the Court at Thiruvananthapuram to attend the case, he met with an accident and it prevented him from attending the Court on the crucial day when the Court dismissed the case saying that there was no evidence. Accordingly, there was no willful latches or negligence on his part.

3. The case of the petitioner is that when he was riding pillion in a motor bike, due to the negligent driving of an autorikshaw, it hit with the bike resulting in injuries to him. He was not able to produce documents before the court on account of the reasons beyond his control. We feel an opportunity should be given to him.

4. Therefore, we review the order passed on 13.11.2006 and allow the appeal by way of remanding the

matter to the Claims Tribunal for fresh disposal in accordance with law and Tribunal shall give an opportunity to both sides to adduce evidence in support of their contentions raised, before passing final orders.

5. Parties are directed to appear before the Tribunal on 4.8.2007.

The Review Petition is allowed as above.

K.S.RADHAKRISHNAN
Judge

M.N.KRISHNAN
Judge

mrcs